

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

IN RE:
Scott Thomas Swierski

CASE NO: 13-32089

SSN# : XXX-XX-7209 DEBTOR

MOTION OF TRUSTEE TO DISMISS CASE
OR TO MODIFY PLAN

The undersigned Trustee in the above-referenced Chapter 13 case hereby moves the Court to dismiss the case, or to modify the plan in such a manner as the Court deems necessary and appropriate, for the following reason(s):

Plan payments are currently in default.

A Preliminary Hearing will be held on this motion as shown on the attached Notice, at which the Trustee will recommend to the Court to grant a variety of relief options in this case, including but not limited to dismissing the case, extending or reducing the term of the plan, reducing or increasing the plan payment, reducing the percentage paid to unsecured creditors, granting a moratorium on missed payments, granting a hardship discharge, modifying the plan to the payments made so far, allowing for a fee to the debtor's attorney for representation at the hearing, or granting any other such relief which the Court determines to be necessary and appropriate.

Dated: May 05, 2016

Warren L. Tadlock
Standing Chapter 13 Trustee
5970 Fairview Road, Suite 650
Charlotte, NC 28210-2100

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NOTICE OF MOTION OF TRUSTEE TO DISMISS CASE OR TO MODIFY PLAN

The Chapter 13 Trustee has filed papers in the bankruptcy case for the DEBTOR named above to dismiss the case or to modify the plan.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. If you do not have an attorney, you may wish to consult one.

If you do not want the Court to grant the relief requested by the Trustee in the motion, or if you want the Court to consider your views on this motion, then you or your attorney must file with the Court a written response to the motion by May 27, 2016 at the following address:

CLERK, U.S. BANKRUPTCY COURT
401 W TRADE ST.
CHARLOTTE, NC 28202

If you **mail** your response to the Court for filing, you must mail it early enough for the Court to **receive** it on or before the deadline stated above.

A Preliminary Hearing will be held on the Trustee's motion on **June 01, 2016 at 9:45 am** at the following address:

OFFICE OF THE CHAPTER 13 TRUSTEE
5970 FAIRVIEW ROAD
SUITE 650
CHARLOTTE, NC 28210-2100

If you oppose the relief sought in the Trustee's motion, you must attend the Preliminary Hearing. Failure to attend the Preliminary Hearing and to otherwise respond to the motion may result in the Court granting the relief sought. If a response is made and the motion is not resolved by consent at the Preliminary Hearing, a hearing before the Court will be scheduled.

Dated: May 05, 2016

Warren L. Tadlock
Standing Chapter 13 Trustee
5970 Fairview Road, Suite 650
Charlotte, NC 28210-2100

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CERTIFICATE OF SERVICE

The parties whose names and addresses are listed below were served by United States first class mail, postage prepaid on 5/6/2016.

L. Pascal
Office of the Chapter 13 Trustee

CHARLES E LYONS/ATTY AT LAW, SUITE 410 CAMERON-BROWN BLDG, 301 S MCDOWELL STREET, CHARLOTTE, NC 28204
CHATELAINE HOA, PO BOX 11906, CHARLOTTE, NC 28220
HUTCHENS LAW FIRM, BANKRUPTCY DEPARTMENT, PO BOX 2505, FAYETTEVILLE, NC 28302
INTERNAL REVENUE SERVICE, PO BOX 7346, PHILADELPHIA, PA 19101-7346
NC DEPARTMENT OF REVENUE, BANKRUPTCY UNIT, PO BOX 1168, RALEIGH, NC 27602-1168
PNC BANK NA, 3232 NEWMARK DRIVE, MIAMISBURG, OH 45342
PNC MORTGAGE, 3232 NEWMARK DRIVE, MIAMISBURG, OH 45342
Scott Thomas Swierski, 627 Beavhaven Lane, Waxhaw, NC 28173
SUNTRUST BANK, PO BOX 921819, NORCROSS, GA 30010
UNION COUNTY TAX COLLECTOR, PO BOX 38, MONROE, NC 28111

Total Served:10